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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF) Case No. SA 10-028M (Dft #1)
AMERICA, }
 }
Plaintiff, } **ORDER OF DETENTION**
vs. }
ANDRES ORTEGA ALCARAZ, }
 }
Defendant. }

I

- A. () On motion of the Government in a case allegedly involving:
1. () a crime of violence.
 2. () an offense with maximum sentence of life imprisonment or death.
 3. (X) a narcotics or controlled substance offense with maximum sentence of ten or more years.
 4. () any felony - where defendant convicted of two or more prior offenses described above.
 5. () any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive

1 device or any other dangerous weapon, or a failure to register under 18
2 U.S.C. § 2250.

3 B. () On motion by the Government/ () on Court's own motion, in a
4 case allegedly involving:

5 () On the further allegation by the Government of:

6 1. () a serious risk that the defendant will flee.

7 2. () a serious risk that the defendant will:

8 a. () obstruct or attempt to obstruct justice.

9 b. () threaten, injure or intimidate a prospective witness or
10 juror, or attempt to do so.

11 C. The Government (X) is/ () is not entitled to a rebuttable presumption that
12 no condition or combination of conditions will reasonably assure the
13 defendant's appearance as required and the safety or any person or the
14 community.

15
16 II

17 A. () The Court finds that no condition or combination of conditions
18 will reasonably assure:

19 1. () the appearance of the defendant as required.

20 () and/or

21 2. () the safety of any person or the community.

22 B. (X) The Court finds that the defendant has not rebutted by sufficient
23 evidence to the contrary the presumption provided by statute.

24
25 III

26 The Court has considered:

27 A. the nature and circumstances of the offense(s) charged, including
28 whether the offense is a crime of violence, a Federal crime of terrorism, or

1 involves a minor victim or a controlled substance, firearm, explosive, or
2 destructive device;

3 B. the weight of evidence against the defendant;

4 C. the history and characteristics of the defendant; and

5 D. the nature and seriousness of the danger to any person or the community.

6
7 IV

8 The Court also has considered all the evidence adduced at the hearing and the
9 arguments and/or statements of counsel, and the Pretrial Services
10 Report/recommendation.

11
12 V

13 The Court bases the foregoing finding(s) on the following:

14 A. () As to flight risk:

15 _____
16 _____
17 _____
18 _____
19 _____
20 _____

21 B. () As to danger:

22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

1 VI
2

- 3 A. () The Court finds that a serious risk exists the defendant will:
4 1. () obstruct or attempt to obstruct justice.
5 2. () attempt to/ () threaten, injure or intimidate a witness or
juror.
- 6 B. The Court bases the foregoing finding(s) on the following:
7 _____
8 _____
9 _____

10 VI
11

- 12 A. IT IS THEREFORE ORDERED that the defendant be detained prior to
trial.
- 14 B. IT IS FURTHER ORDERED that the defendant be committed to the
15 custody of the Attorney General for confinement in a corrections facility
16 separate, to the extent practicable, from persons awaiting or serving sentences
17 or being held in custody pending appeal.
- 18 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
19 opportunity for private consultation with counsel.
- 20 D. IT IS FURTHER ORDERED that, on order of a Court of the United
21 States or on request of any attorney for the Government, the person in charge
22 of the corrections facility in which defendant is confined deliver the defendant
23 to a United States marshal for the purpose of an appearance in connection with
24 a court proceeding.

25
26 DATED: February 4, 2010



27
28 MARC L. GOLDMAN
UNITED STATES MAGISTRATE JUDGE